

ATTACHMENT 9

CONSTRUCTION PHASE 1 EXPANSION UNIT AND CHRONOLOGY OF REGULATORY ACTIONS

The following is a chronology of correspondence between the Regional Board and USMC, regarding the permitting, compliance history, enforcement actions and construction of the Phase 1 expansion unit.

- June 24, 1997: Letter sent by USMC (LtC K.Quigley) to RWQCB (Mark Alpert). RE: Notification of Intent to Install Leachate Collection and Removal Systems at Las Pulgas and San Onofre Landfills.
- March 5, 1998: Draft Joint Technical Document submitted for review and comment.
- March 5, 1998: Submittal of "Final Environmental Assessment for Las Pulgas Landfill permitted Disposal Area Expansion and Leachate and Recovery System Installation" by USMC.
- March 11, 1998: Submittal of "Final Environmental Assessment for Las Pulgas Landfill permitted Disposal Area Expansion and Leachate and Recovery System Installation" by USMC.
- March 12, 1998: Letter sent from RWQCB (Mark Alpert) to Mr. Tom DeCosta, Waste management Division. RE: Reporting Schedule and Information update for the San Onofre and Las Pulgas Sanitary Landfills Pursuant to Regional Board Order No. 93-86. RWQCB conducting information update for landfills.
- April 24, 1998: Letter from the USMC (LtC. R. Tiberg) to RWQCB (Mark Alpert). Letter contains the completed Joint Application for Landfill expansion, and the Report of Facility Information.
- May 1, 1998: Letter from USMC (Tom DeCosta) to RWQCB (Brian McDaniel). RE: Contractor Quality Control Specifications for Construction of Landfill Liner Systems at San Onofre and Las Pulgas Landfills. Letter contained the CQA guidelines from the contract specifications for construction of the LCRS systems at both landfills.
- July 22, 1998: Revisions to JTD submitted to RWQCB from the USMC. Attached was the GCL technical evaluation.

- August 3, 1998: Report submittal from EMCON to RWQCB. RE: Alternative liner design for lateral expansion of Las Pulgas and San Onofre Landfills.
- August 24, 1998: Revised RWD submittal in the form of a Joint Technical Document for lateral expansion of Las Pulgas Landfill.
- Sept. 15, 1998: Letter sent from RWQCB (John Robertus) to USMC (Tom DeCosta). RE: Joint Technical Document / Report of waste Discharge; San Onofre and Las Pulgas Sanitary Landfills. Letter acknowledges receipt of JTD (March 5, 1998), and subsequent revisions (July 22, August 3, August 24, and September 2, 1998). Letter outlines the conditions under which the USMC may proceed with the construction of the landfills as per the Water Code and Title 23.
- Nov.20, 1998: Letter from USMC (Tom DeCosta) sent to RWQCB (Mark Alpert). Letter was a summary of submittal dates for the ROWD for the expansion of the Las Pulgas and San Onofre Landfills.
- Dec. 1, 1998: Letter from RWQCB (John Robertus) to USMC (Commanding General). RE: Letter explains that the 150-day waiting period to begin construction on the project expired on September 5, 1998 and therefore the USMC can commence with the construction of the lateral expansions of the landfills.
- May 24, 1999: Construction of the liner and LCRS at Las Pulgas Landfill completed.
- August 12, 1999: Letter from RWQCB (Mark Alpert) sent to Commanding General. RE: Compliance Inspection – Las Pulgas and San Onofre Landfills. A portion of the letter outlines what is required in the CQA Liner Certification Report, as requested by USMC Environmental Security during a post-inspection briefing.
- Dec. 3, 1999: Letter from RWQCB (John Robertus) to Commanding General. **RE: Notice of Violation No. 99-193: Las Pulgas Landfill, U.S. Marine Corps Base Camp Pendleton.** Failure to submit a final CQA Documentation Report.

- Dec. 17, 1999: Submittal of CQA Final Documentation Report for the Las Pulgas liner expansion project.
- March 8, 2000: Letter sent by RWQCB (John Robertus) to the USMC (Theresa Trost). RE: Construction Quality Assurance (CQA) Plan and Final Documentation Report, San Onofre and Las Pulgas Landfills, U.S. Marine Corps Base, Camp Pendleton, CA. RWQCB informs USMC that the submittal of 12/17/99 fails to meet the requirements for a final CQA report.
- March 24, 2000: Letter sent from RWQCB (John Robertus) to the Commanding General. RE: Waste Discharge Requirement Update – Request for Information. Letter requests the submittal of any additional information reflecting changes that have occurred since the submittal of the 1998 Joint Technical Document.
- May 10, 2000: **ADOPTION OF WDR ORDER NO. 2000-54 by San Diego Regional Water Board.**
- June 6, 2000: Submittal of Testing Summary for Camp Pendleton Landfills from Ninyo and Moore. This submittal was submitted as the final CQA Report for the Phase 1 expansion unit.
- April 21, 2003 **NOTICE OF VIOLATION NO. R9-2003-0154.** On April 8, 2003, the California Regional Water Quality Control Board, San Diego Region (“Regional Board”) conducted a routine compliance inspection at the Las Pulgas Landfill after receiving an inspection report from the San Diego County LEA, informing the Regional Board of a series of violations at the site. The Regional Board staff observed that temporary measures had been installed on the affected slopes in an attempt to control erosion and runoff. On April 16, 2003, the Regional Board conducted a follow-up inspection after another storm event. The U.S. Marine Corps has failed to implement effective erosion and drainage control measures in the Phase 1 Expansion cell at the facility. Additional measures are required to effectively prevent further erosion and damage to drainage conveyance system parameters due to high volumes of runoff from the upper and lower decks of the Phase 1 expansion unit.
- May 13, 2003 **INVESTIGATIVE ORDER NO. R9-2003-0206:** Technical Report of Damage to Waste Management Unit and Storm

water Conveyance System at the Las Pulgas Landfill. The Order set a due date of September 27, 2003 for the USMC to provide the RWQCB with a technical report containing the results of their evaluation.

- July 2003 USMC voluntarily halts discharges of solid waste into Phase 1 expansion cell at Las Pulgas Landfill.
- Dec. 16, 2003 RWQCB receives technical report: "Technical Evaluation of Soil Slumping and Geosynthetic Liner Damage and Construction Quality Assurance Report for Liner Repairs, Las Pulgas Landfill", prepared by Brown and Caldwell (dated November 2003).
- Jan. 30, 2004 **NOTICE OF VIOLATION NO. R9-2004-0044:** Upon review of a technical report (Brown and Caldwell, 2003), the Regional Board staff identified a number of technical discrepancies between the as-built construction and the design specifications for the expansion of the Phase 1 waste cell. Some of those conditions are also associated with violations of WDR Order No. 2000-54.
- In addition, reporting deficiencies were also identified in technical reports submitted to the Regional Board by the USMC pursuant to WDR Order No. 2000-54: "Waste Discharge Requirements for the U.S. Marine Corps, Marine Corps Base Camp Pendleton, Las Pulgas Landfill, San Diego County." These deficiencies were associated with the WDR Discharge Specification No. B.34 requiring the U.S. Marine Corps to submit an acceptable final Construction Quality and Assurance (CQA) Report for the Phase 1 expansion unit at the Las Pulgas Landfill. Additionally, the cover letter failed to contain certification statement required by Order R9-2004-0044.
- August 16, 2004 RWQCB receives a technical report from the USMC: "Work Plan Evaluation of Liner and Leachate Collection and Removal System and Preparation of a Construction Quality and Assurance Report, Las Pulgas Landfill", prepared by Environmental Remediation Resources (ERRG) and dated August 2004.
- Dec. 1, 2004 RWQCB receives a technical report from the USMC:

“Liner and Leachate Collection and Removal System Evaluation, Las Pulgas Landfill, Marine Corps Base Camp Pendleton”, prepared by ERRG and dated November 2004.

“Construction Quality Assurance Report Liner, Leachate Collection and Removal System Phase 1 Construction, Las Pulgas Landfill”, prepared by ERRG and dated November 2004.

Dec. 6, 2004

RWQCB requested (via email) the USMC to provide complete copies of the following technical reports:

Liner, Leachate Collection and Removal System (LCRS) at the Marine Corps Base Camp Pendleton, prepared by EMCON, May 1997 (Contract Document).

Geotechnical Report for Las Pulgas and San Onofre Landfills, Camp Pendleton, prepared by EMCOM, dated August 1996 (Geotechnical Report).

Dec. 9, 2004

RWQCB received the requested technical reports from the USMC, as requested in the December 6, 2004 e-mail.

Dec. 13, 2004

RWQCB staff met with USMC staff/management from Environmental Security, Facilities Maintenance and ROICC staff to discuss EO/staff concerns and pending enforcement actions for Las Pulgas Landfill.

Dec. 21, 2004

RWQCB sends comment letter to USMC on technical reports prepared by Brown and Caldwell (2003) and EERG (2004).

Jan. 20, 2005

USMC notifies the RWQCB that approximately 1000 gallons of leachate overflowed the LCRS above ground tank at the Las Pulgas landfill.

Feb. 1, 2005

RWQCB issues Notice of Violation No. R9-2005-0040 for violations of WDR Order No. 2000-54, caused by ~1,000 gallons of leachate overflowing the LCRS above ground tank, and discharging to unlined areas.

Feb. 3, 2005

USMC notifies RWQCB of an unauthorized release in the Phase 1 expansion area of the Las Pulgas landfill, in the form of a leachate seep.

- Feb. 8, 2005 USMC provides RWQCB with an outline of protective measures to be initiated at the Las Pulgas Landfill to ensure security within the Phase 1 expansion area where the unauthorized release occurred.
- Feb. 9, 2005 RWQCB issues Notice of Violation No. R9-2005-0071 for a leachate seep discovered by the USMC, on the side slope of the Phase 1 expansion unit.
- Feb. 11, 2005 RWQCB issues investigative Order No. R9-2005-0075 for sampling of the leachate seep at the Las Pulgas Landfill. The analytical summary report is due by April 11, 2005.
- Feb. 14 2005 USMC informs the RWQCB of an unauthorized release in the Phase 1 expansion area of the Las Pulgas landfill, in the form of a leachate seep.
- April 22, 2005 RWQCB issues Notice of Violation R9-2005-0119 for failure to provide a technical report to the RWQCB as required by Investigative Order R9-2005-0075.
- April 27, 2005 USMC submits preliminary copy of leachate seep data from unauthorized release in Phase 1 expansion area.
- June 2005 USMC submits a technical report in response to Investigative Order R9-2005-0075.
- July 21, 2005 RWQCB issues Notice of Violation No. R9-2005-0217 for failure to submit information required by Investigative Order R9-2005-0075.
- Sept. 1, 2005 USMC submits a work plan for the evaluation of the base liner, subgrade and sideslopes in the Phase 1 expansion area.
- Sept. 13, 2005 USMC submits a response to Notice of Violation No. R9-2005-0217.
- Sept. 15, 2005 RWQCB attends coordination meeting between the USMC and San Diego County LEA regarding compliance issues associated with the Las Pulgas Landfill.
- Jan. 27, 2006 RWQCB issues Cleanup and Abatement Order (CAO) R9-2006-0016 requiring the USMC to correct all defects in the waste containment system of the Phase 1 expansion area.

- Feb. 24, 2006 RWQCB reissues CAO R9-2006-0016 after discussions with the USMC regarding the original due dates and the USMC's budgetary constraints.
- May 19, 2006 RWQCB issues Notice of Violation No. R9-2006-0072 for an unauthorized release of ~20,000 gallons (April 25, 2006) and ~15,000 gallons (May 15, 2006) of landfill leachate from bulk fuel bags used to store the leachate on site.
- July 13, 2006 RWQCB attends coordination meeting between the USMC, San Diego County LEA, and the RWQCB to discuss compliance issues associated with the Las Pulgas Landfill.
- Dec. 26, 2006 USMC submits a Corrective Action Plan (CAP) per the requirements of CAO R9-2006-0016.
- Jan. 17, 2007 RWQCB attends coordination meeting between the USMC and the LEA regarding compliance issues associated with the Las Pulgas Landfill.
- Feb. 26, 2007 RWQCB sends comment letter regarding CAP. RWQCB rejects the CAP as being unacceptable for the purpose of complying with CAO R9-2006-0016.
- April 13, 2007 RWQCB issues Addendum 1 to CAO R9-2006-0016 to the USMC. The addendum requires the USMC to provide the RWQCB with a replacement Corrective Action Plan, by December 14, 2007, to implement either clean closure or corrective construction of Unit 1 at the Las Pulgas Landfill.